

REMARKS

This is in response to the Office Action dated October 19, 2006. In the subject Office Action, the Examiner objected to claims 1-6,8-25,27,78,30,36-39,41 and 43-48 under 35 U.S.C. §112 for lacking a “brushing element”. Further, the Examiner rejected Claims 1-3,5-14,24-30 and 37-43 under 35 U.S.C. §102 as being anticipated by Weihrauch (6,353,958). Moreover Claims 1,4,6-10 and 39-43 were rejected under 35 U.S.C. §102(b) as being anticipated by Hafele (5,901,397).

The Examiner further indicated that Claims 31-35 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In addition, the Examiner indicated Claim 36 would be allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph, and to include all of the limitation of the base claim and any intervening claims¹.

By the present Amendment to the Claims, Applicant has cancelled Claims 1-17, 26 and 36-48. Additionally, Claims 24 has been amended to include the limitations of Claim 36 indicated as having allowable subject matter and Applicant has addressed that 112 issue. Dependent Claims 25(original), 27(amended), 28(amended), 29(amended), and 30(original) are all in condition for allowance, as being dependent upon an allowable base claim. Claim 31 has been amended to include the limitations of original base Claim 24 and intervening Claim 29 and 26 to form amended independent Claim 31. Claims 32-35 are original dependent claims based upon allowable independent Claim 31.

Original Claims 18-23, for the reasons discussed in the footnote however, remain in their original form, and are believed to be in condition for allowance. Therefore, Applicant respectfully submits that Claims 18-25 and 27-35 are in condition for allowance. Reconsideration and withdrawal of the objections is respectfully requested.

¹ Although the Examiner noted Claims 31-36 as including allowable subject matter, there was not an rejection of Claims 18-25. Further, Claim 18 recites a “dental brush” which is in apparent conflict with the Examiner’s rejection under 112 of that claim. As such, Applicant respectfully requests clarification with respect to Claims 18-25. The Office Action summary lists Claims 1-30 and 36-48 as being rejected, which also is in conflict with the Examiner’s indication that Claim 36 included allowable subject matter.

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Attorney Docket: FITMO-002A

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 11/14/06

By:

Customer No.: 007663



William J. Brucker

Registration No. 35,462
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, California 92656
Telephone: (949) 855-1246
Fax: (949) 855-6371